

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

-----X  
PHILLIP MCCLOUD, 22-R-0545,

Plaintiff,

-against-

**ORDER**

22-CV-00962 (JMA) (ARL)

DEPUTY ROMANO, DEPUTY MORALES, Badge #3208;  
CORPORAL GONZALES, SERGEANT CURATOLO,  
REGISTERED NURSE AMY,

Defendants.  
-----X

**AZRACK, United States District Judge:**

Before the Court is the application to proceed in forma pauperis filed by incarcerated pro se plaintiff Phillip McCloud (“Plaintiff”). (See ECF No. 7.) Upon review of the declarations accompanying Plaintiff’s application to proceed in forma pauperis, the Court finds that Plaintiff’s financial status qualifies him to commence this action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Accordingly, the Court grants Plaintiff’s application to proceed in forma pauperis and orders service of the summonses and complaint upon the defendants by the United States Marshal Service (“USMS”).

However, the USMS will not be able to serve the defendants without more information. Pursuant to Valentin v. Dinkins, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam), the Nassau County attorney is requested to assist with identifying the unnamed defendants who are alleged to be to be employed at the Nassau County Correctional Center and who are alleged to have interacted with Plaintiff on or about November 5, 2020 as described in the Complaint. (See ECF No. 1 at 4.) Accordingly, the Clerk of the Court shall serve a copy of the Complaint together with this Order on the Nassau County Attorney, and the Nassau County Attorney’s

Office is requested to attempt to ascertain the full names of the defendants and to provide their names and the address(es) where such defendants can be served to the Court and to Plaintiff within thirty days of the date that this Order is served upon it.

The Nassau County Attorney need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which the plaintiff may name and properly serve the defendants as instructed by the Second Circuit in Valentin. Once the information is provided to the Court by the Nassau County Attorney's Office, the Complaint shall be deemed amended to reflect the full names of the defendants, a summons shall be issued to each defendant, and the USMS shall effect service.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to the plaintiff at his last known address.

**SO ORDERED.**

Dated: May 31, 2022  
Central Islip, New York

\_\_\_\_\_  
/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE